

Message

From: Hurl, Kathy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=2F3B04131F1145FCB4CCF5B0A64C1AC4-KHURLD]
Sent: 8/31/2020 2:17:07 PM
To: Byrne, Andrew [Byrne.Andrew@epa.gov]
CC: Graf, Kate [Graf.Kate@epa.gov]; Gude, Karen [Gude.Karen@epa.gov]; Beck, Whitney [beck.whitney@epa.gov]
Subject: Re: updates on 404(g) actions

Andrew, please let's talk before you spin wheels. These two consultations are going forward. Political decision that the region coordinated with OGC.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Kathy

Sent from my iPhone

On Aug 31, 2020, at 8:37 AM, Byrne, Andrew <Byrne.Andrew@epa.gov> wrote:

Hi Kathy – thanks for the heads up. OITA heard of the FL request and the resulting interest in

Ex. 5 Deliberative Process (DP)

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We'll be doing some research on that over the next few days to make sure everyone is on the same page.

Thanks.

Andy Byrne

American Indian Environmental Office
Office of International and Tribal Affairs
U.S. Environmental Protection Agency
(202) 564-3836 (desk)

Ex. 6 Personal Privacy (PP) (mobile)

Creating Tangible Environmental Results with Tribes
Find out more at www.epa.gov/tribal

From: Hurl, Kathy <Hurl.Kathy@epa.gov>

Sent: Friday, August 28, 2020 4:28 PM

To: Graf, Kate <Graf.Kate@epa.gov>; Gude, Karen <Gude.Karen@epa.gov>; Byrne, Andrew <Byrne.Andrew@epa.gov>

Subject: updates on 404(g) actions

Hi Kate, Karen and Andrew:

Just keeping you in the loop, today we posted the change in our policy regarding consultation under ESA and NHPA when taking action to approve state and tribal requests to approve a CWA Section 404 program. Just a few reminders:

- 1) The R10 RTOC had been requesting to consult on this ESA policy shift.

- 2) R4 will be consulting under section 106 of the NHPA with 8 tribes our potential action to approve FL's request to assume a CWA section 404 program. EPA received FL's request on August 20, 2020 which means that we will take action on the request (approve or disapprove) by December 17, 2020.
- 3) R4 will offer to engage in Tribal consultation on FL's program request with 3 of the 8 tribes this is separate from the NHPA consultation.
Our policies on NHPA and ESA can be found at www.epa.gov/cwa404g under "news"

4) **Ex. 5 Deliberative Process (DP)**

Respectfully,

Kathy Hurd
Clean Water Act 404(g) – U.S. EPA Lead
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Currently working remotely during COVID-19; please call

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